



DECLARATION OF TIMOTHY S. BROPHY, PH.D.

1. I, Timothy S. Brophy, do hereby declare that I am a professional in the music industry and have been involved in music education since August 1974. Recorder teaching has been part of my work from the beginning, and I am personally familiar with the recorder market and have followed the problems, developments, and improvements in that market with great interest throughout my teaching career.

2. Because of the nature of elementary music teaching, there are frequent changes of activity. Because the recorder was loose and hand held, whenever there was a change of activity from recorder playing to other activities such as singing, movement, or playing other instruments, the recorder had to be released and placed somewhere, often on the desk or floor. This would occur intermittently throughout a music class period, thus leading to disruption of the music lesson, problems in hygiene, confusion of ownership, and delays in resuming recorder work. This has been a long-existing and significant problem for the music educator in the classroom.

3. Before 1995, the use of recorder suspension devices to keep the recorder in close proximity to the musician without the use of the musician's hands was extremely rare, and was essentially limited to the efforts of a few teachers who tied a string into a loop that was then fastened below a bulge in a shaft of a common recorder. This string tying approach, however, had several drawbacks as follows:

a. It could only be used with recorders that included a bulge in its shaft design.

It could not be effectively used with Renaissance-style Recorders because the

shafts of these recorders did not include bulges around which a string could be fixed.

- b. The requirement to tie the string into loops was extremely time consuming for the teacher.
- c. It was difficult to tie the loop to closely match the size of the recorder shaft, and maintaining precise consistency in the size of the loops was nearly impossible.
- d. The string loop would lose its shape over time because of loosening of the knot and stretching of the string or yarn due to the weight of the recorder. The string-tying solution was therefore inherently unreliable.

4. In 1996, Peripole began marketing and selling a recorder ring invented by Dr. Andrew Perry that has an appropriately sized ring attached to a string. This was the first device of its kind on the market and represented a major and significant innovation and improvement over the occasional string-tying approach for numerous reasons, as follows:

- a. A recorder holder now existed for an instrument with a smooth, tapered shaft without any ridges or bulges
- b. Using this invention, the teacher's valuable time and efforts would no longer be consumed by tying knots in the strings to fit around the recorder.
- c. The recorder ring could be manufactured to closely match the size and shape of a recorder shaft at a specific point, thus providing precise and consistent size and shape of the ring, while maintaining these over time. Additionally, it was possible to assure the exact placement of the ring on the shaft of the

recorder in a location where the ring and strap would not interfere with fingering of the recorder, or with passage of air through its wind passageway.

5. For each of these reasons and others, the recorder ring provided a tremendously more reliable recorder suspension device than the string loop.

6. After Peripole began selling its recorder ring, others began recognizing the importance of this invention and started to make and sell their own recorder rings. Some of these recorder rings were nearly exact copies of the Peripole recorder ring while others made slight modifications to the ring, such as making them out of a flexible material and providing a Velcro attachment for the strap.

7. Unlike the string loop used by earlier teachers, the recorder ring is precisely shaped and sized to match the tapered shaft of the recorder at a desired location. Accordingly, rather than relying on a bulge to keep the loop in place, the recorder ring can be slipped onto one end of a separated two-piece shaft and then slid upwards into the appropriate place along the recorder shaft. In addition to preventing the recorder ring from slipping off the recorder, this also ensures that the ring does not block any of the holes needed for playing the recorder. With the string loop, neither of these functions could be adequately provided.

8. The invention of the recorder ring was a new and innovative solution to the problems faced by the industry. The importance of this innovation is further exemplified by the later efforts of others to copy the invention directly, or to otherwise adopt its beneficial features to solve these problems, despite not having previously had a similar product on the market.

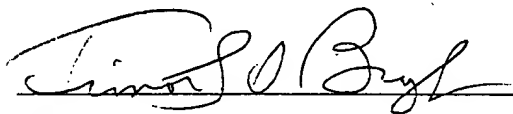
9. Since the introduction of the Dr. Perry's recorder ring, recorders having such a ring have become increasingly more popular because of the advantages provided by such a ring, while those without such a ring have become less popular.

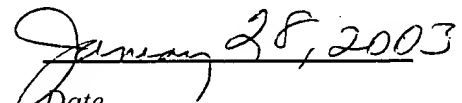
10. Also, since the introduction of the Dr. Perry's recorder ring, others have since attempted to sell strings or straps with pre-tied loops, but because of the problems identified previously, these have not gained the widespread popularity of Dr. Perry's recorder ring.

11. Dr. Perry's recorder ring has made my recorder teaching more far more efficient and musical. I no longer have to waste precious class time managing individual students' instruments. When suspended around the player's neck from Dr. Perry's recorder ring, recorders are always ready to play, clean, and attractively displayed.

12. Dr. Perry's recorder ring has also made using the recorder in school programs a practical possibility. Prior to the invention of this ring, recorders were difficult to manage when hand-held, and therefore not as widely used in school programs as they could have been. Dr. Perry's recorder ring has revolutionized the use of recorders in public schools in every way.

Under penalty of perjury, I declare the foregoing statements to be true and correct to the best of my knowledge and understanding.


Signature


Date

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